



**Item From Council
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 38
AGENDA DATE: Thu 12/01/2005
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Item From Council

Posting Language: Approve an ordinance adding a new Section 2-10-24 to the City Code establishing a juvenile case manager fund and creating a fee; and amending Ordinance 20050912-05, the Municipal Court's Fiscal Year 2005-2006 Approved Fees, Fines and Other Charges, to add a juvenile case manager fee. (Recommended by the Council Judicial Subcommittee)

Proposed meeting date: THU 12/01/2005

Sponsor: Mayor Will Wynn

Co-sponsor 1: Mayor Pro Tem Danny Thomas

Co-sponsor 2: Council Member Raul Alvarez

Date by which the City Manager is requested to report back to Council:

Draft Resolution/Ordinance attached:

State law permits the City Council to impose by ordinance a fee not to exceed \$5 on a defendant convicted in Municipal Court of a fine-only offense to fund the hiring of juvenile case managers. A juvenile case manager may be employed to assist the municipal court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases.

This ordinance would:

- (1) create a Juvenile Case Manager Fund in Municipal Court
- (2) authorized the collection of a \$4.00 fee by the Municipal Court Clerk from all defendants convicted offenses in Municipal Court
- (3) provide for the administration of the fund
- (4) provide an effective date to begin collection of the fee

Collections from the \$4.00 fee will be deposited into the fund and will accumulate. Expenditures from the fund are limited to paying for the salary and benefits of a juvenile case manager.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE TO ADD A NEW SECTION 2-10-24 RELATING TO A JUVENILE CASE MANAGER FUND AND FEE; AND AMENDING ORDINANCE NO. 20050912-004 TO ADD A JUVENILE CASE MANAGER FEE TO THE MUNICIPAL COURT'S 2005-06 FEE SCHEDULE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Code is amended to add a new Section 2-10-24 to read:

§ 2-10-24 JUVENILE CASE MANAGER FUND AND FEE.

(A) The juvenile case manager fund is created in accordance with Texas Code of Criminal Procedure Article 102.0174 (*Court Costs; Juvenile Case Manager Fund*).

(B) Except as provided in Subsection (C), each defendant convicted of a fine-only misdemeanor in the City of Austin Municipal Court shall pay a juvenile case manager fee as a cost of court. The municipal court clerk shall collect the fee.

(C) A municipal judge may waive the fee in a case of financial hardship.

(D) The municipal court clerk shall deposit the fees collected under this section in the juvenile case manager fund. The fund shall be administered as directed by the city council and may be used only for the purposes prescribed by Texas Code of Criminal Procedure Article 102.0174 (*Court Costs; Juvenile Case Manager Fund*).

PART 2. Ordinance No. 20050912-004, Exhibit "A" is amended to add a "Juvenile Case Manager Fee" of \$4.00 to the Municipal Court's 2005-06 fee schedule.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk